

1-1 By: Dean (Senate Sponsor - Buckingham) H.B. No. 2823
 1-2 (In the Senate - Received from the House April 24, 2017;
 1-3 May 3, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 10, 2017, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 10, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the issuance and enforcement of a subpoena during the
 1-20 course of an investigation of a residential mortgage loan servicer.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 158, Finance Code, is
 1-23 amended by adding Section 158.1045 to read as follows:

1-24 Sec. 158.1045. ISSUANCE AND ENFORCEMENT OF SUBPOENA. (a)
 1-25 During an investigation, the commissioner may issue a subpoena that
 1-26 is addressed to a peace officer of this state or other person
 1-27 authorized by law to serve citation or perfect service. The
 1-28 subpoena may require a person to give a deposition, produce
 1-29 documents, or both.

1-30 (b) If a person disobeys a subpoena or if a person appearing
 1-31 in a deposition in connection with the investigation refuses to
 1-32 testify, the commissioner may petition a district court in Travis
 1-33 County to issue an order requiring the person to obey the subpoena,
 1-34 testify, or produce documents relating to the matter. The court
 1-35 shall promptly set an application to enforce a subpoena issued
 1-36 under Subsection (a) for hearing and shall cause notice of the
 1-37 application and the hearing to be served on the person to whom the
 1-38 subpoena is directed.

1-39 SECTION 2. This Act takes effect immediately if it receives
 1-40 a vote of two-thirds of all the members elected to each house, as
 1-41 provided by Section 39, Article III, Texas Constitution. If this
 1-42 Act does not receive the vote necessary for immediate effect, this
 1-43 Act takes effect September 1, 2017.

1-44 * * * * *